

**IN THE PARMA MUNICIPAL COURT
PARMA, OHIO**

JUDGE: O'Donnell

CASE NO:

**ORDER
SEALING AFFIDAVIT AND
SEARCH WARRANT**

IN THE MATTER OF SEARCH WARRANT:

The Court finds that Detective Thomas Connor #764 of the Parma Police Department has made an application for a Search Warrant to be executed by the Parma Police Department, to be served upon Anthony Novak, for items seized and currently in the possession of the Parma Police Department.

The Court further finds that evidence seized pursuant to said Search Warrant will be used in the investigation and prosecution of criminal violations of State offenses.

The Court further finds that the information contained in the Affidavit and Search Warrant is of such nature that disclosure will endanger witnesses and hinder the investigation and prosecution.

THEREFORE, it is the ORDER of this Court that, the Affidavit tendered in support of the Search Warrant and the Search Warrant not be issued to any person except the Parma Prosecutor's office and/or the Cuyahoga County Prosecutor's office. This Affidavit shall be so sealed and issuance of copies so prohibited until such time that by petition to the Court an interested party can show that the interests of Justice require the

PLAINTIFF'S
EXHIBIT

8

change of this Order.

DATE: 4/15/16

Ann C. O'Keefe
JUDGE/MAGISTRATE

A-2

SEARCH WARRANT RETURN

I received the attached Search Warrant on 3-28-16 and have executed it as follows: On 3-28-16 at 9:30 AM I searched:

_____ the person _____ the premises X the property as described in the warrant

and I left a copy of the warrant with: The property room
together with a receipt for the items seized.
 (person searched - or owner of place of search - or on premises)

SEE INVENTORY LIST ATTACHED MARKED EXHIBIT B

This inventory was made in the presence of Det. Michael Klein #743

I swear that this inventory is a true and detailed account of all the property taken by me on the warrant.

Signed

Det. Thomas Connor #764

SUBSCRIBED AND SWORN to and returned before me this 16 day of April.

Judge, Parma Municipal Court
Parma, Ohio

JOURNAL ENTRY

On this the 5th day of April, 2016, and upon the receipt of the within Search Warrant, it is hereby ordered and decreed that the above described property be held by the Prosecuting Attorney for Cuyahoga County, Ohio until disposed of and dealt with according to law.

Judge, Parma Municipal Court
Parma, Ohio

STATE OF OHIO

)

PARMA MUNICIPAL COURT
CRIMINAL DIVISION

) SS:

CITY OF PARMA

)

SEARCH WARRANT

To: THE CHIEF OF POLICE PARMA POLICE DEPARTMENT, DETECTIVE THOMAS CONNOR OF THE PARMA POLICE DEPARTMENT, AND ANY OFFICERS AS AUTHORIZED.

WHEREAS: there has been filed with me an affidavit, a copy of which is attached hereto, designated as Exhibit A, and incorporated herein as though fully rewritten, wherein the Affiant avers that he believes and has good cause to believe that within the property located at 5555 Powers Blvd. Parma, Ohio, which is more particularly described as 1 western digital hard drive, s/n WCAU4A791077, 1 western digital hard drive, s/n WCAU4D207709, 1 Toshiba laptop, s/n 2067866602014, 1 play station 4, s/n MB091319012, 1 Xbox 360, s/n 909729681405, 1 Samsung Galaxy S5 cellular phone, 1 Kyocera cellular phone (AT&T), Archos 10, G9 tablet, IC# 5511A-9100, 2 jump drives and 1 Toshiba laptop, s/n 6B257411K there is now being unlawfully kept, concealed and possessed in the said property, the following described property in violation of Ohio law, to wit: ORC Chapter 2909.04:

Any and all electronic records, documents, correspondence, notes, memoranda, address lists, telephone directories, advertisements, receipts, materials or items relating to communications or contacts with individuals regarding the, purchase, sale distribution, trade, possession, or use of social media, including but not limited to Facebook.com.

Any and all electronic accounting record, in the form of computer generated logs of criminal activity, including, but not limited to, diaries, journals, calendars, or computer system audit records; electronic mail messages, opened and unopened, to or from co-conspirators, associates, or victims; electronic chat room logs, and other electronic logs, of communications with co-conspirators, associates, or victims; computer

account information, including but not limited to computer host names and Internet addresses, account names, passwords, access telephone numbers, password files, and other information about computer systems, users, accounts and related topics, and documents that show ownership and control;

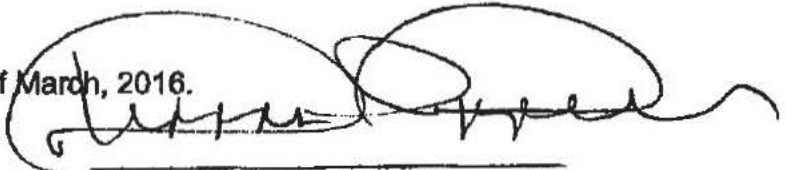
Any and all electronic communications, including, but not limited to, opened and unopened E-mail messages, instant messages (IM), letters, and other electronic records, documents, correspondence, notes, memoranda, address lists, telephone directories, screen name lists, A buddy list, advertisements, calendars, diaries, journals telexes, faxes, audio and visual tape recordings, materials or items reflecting or relating in any way to communications or contacts with co-conspirators; and/or any and all other evidence tending to establish violations of the criminal laws of the State of Ohio, to wit: O.R.C. 2909.04.;

I am satisfied that based on the above information, I have probable cause to believe that located on or in the property located at 5555 Powers Blvd. Parma, Ohio, which is more particularly described as 1 western digital hard drive, s/n WCAU4A791077, 1 western digital hard drive, s/n WCAU4D207709, 1 Toshiba laptop, s/n 2067866602014, 1 play station 4, s/n MB091319012, 1 Xbox 360, s/n 909729681405, 1 Samsung Galaxy S5 cellular phone, 1 Kyocera cellular phone (AT&T), Archos 10, G9 tablet, IC# 5511A-9100, 2 jump drives and 1 Toshiba laptop, s/n 6B257411K, that the evidence described above is being concealed in the above described property, and that grounds for issuance of this search warrant exist.

THEREFORE: You are hereby commanded in the name of the City of Parma, State of Ohio, with the necessary and proper assistance, to serve this warrant and search forthwith for the evidence specified, within a reasonable time thereafter in the day season, and if the property or any part thereof be found there, you are commanded to seize it, leaving a copy

of this warrant and a receipt for the property taken, to prepare a written inventory of the property seized, to return this warrant to the undersigned or any Judge of the Parma Municipal Court, Parma, Ohio, and to bring the property found on such search forthwith before said Judge, or some other judge or magistrate of the court having cognizance thereof.

Given my hand this 28th day of March, 2016.



Judge, Parma Municipal Court
Parma, Ohio

EXHIBIT A

STATE OF OHIO

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**PARMA MUNICIPAL COURT
CRIMINAL DIVISION**

CITY OF PARMA

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**AFFIDAVIT FOR SEARCH
WARRANT**

Before me, a Judge of the Parma Municipal Court, Parma, Ohio personally appeared the undersigned, Detective Thomas Connor, who being first duly sworn deposes and says that he is a Police Officer with the Parma Police Department. He states that in addition to his full time duties as Detective with Parma Police Department, he has been assigned to investigate felony and misdemeanor crimes and has been a certified peace officer in the State of Ohio for over 19 years. Affiant has received advanced training in criminal investigations and has investigated hundreds of felony crimes.

Affiant has reasonable cause to believe that located within the property located at 5555 Powers Blvd. Parma, Ohio, which is more particularly described as 1 western digital hard drive, s/n WCAU4A791077, 1 western digital hard drive, s/n WCAU4D207709, 1 Toshiba laptop, s/n 2067866602014, 1 play station 4, s/n MB091319012, 1 Xbox 360, s/n 909729681405, 1 Samsung Galaxy S5 cellular phone, 1 Kyocera cellular phone (AT&T), Archos 10, G9 tablet, IC# 5511A-9100, 2 jump drives and 1 Toshiba laptop, s/n 6B257411K, there is now being unlawfully kept, concealed and possessed in the said property, the following described property in violation of Ohio law, to wit: ORC Chapter 2909.04:

Any and all electronic records, documents, correspondence, notes,

memoranda, address lists, telephone directories, advertisements, receipts, materials or items relating to communications or contacts with individuals regarding the, purchase, sale distribution, trade, possession, or use of social media, including but not limited to Facebook.com.

Any and all electronic accounting record, in the form of computer generated logs of criminal activity, including, but not limited to, diaries, journals, calendars, or computer system audit records; electronic mail messages, opened and unopened, to or from co-conspirators, associates, or victims; electronic chat room logs, and other electronic logs, of communications with co-conspirators, associates, or victims; computer account information, including but not limited to computer host names and Internet addresses, account names, passwords, access telephone numbers, password files, and other information about computer systems, users, accounts and related topics, and documents that show ownership and control;

Any and all electronic communications, including, but not limited to, opened and unopened E-mail messages, instant messages (IM), letters, and other electronic records, documents, correspondence, notes, memoranda, address lists, telephone directories, screen name lists, A buddy list, advertisements, calendars, diaries, journals telexes, faxes, audio and visual tape recordings, materials or items reflecting or relating in any way to communications or contacts with co-conspirators; and/or any and all other evidence tending to establish violations of the criminal laws of the State of Ohio, to wit: O.R.C. 2909.04.;

I. BACKGROUND INFORMATION

1. Affiant, Thomas Connor is a detective with the Parma Police Department, and has been assigned to the detective bureau for 16 years and 5 months. Affiant has investigated hundreds of felony cases and has been a certified peace officer in the State of Ohio for over 19 years.
2. Affiant avers that he is currently assigned to General Felony Unit of the Parma Police Department Detective Bureau.
3. Affiant has been certified by the Ohio Peace Officers Training Commission and has

received numerous amounts of training in criminal investigations.

CURRENT INVESTIGATION

1. Affiant avers that on March 2, 2016, The Parma Police Department was made aware of a fake Facebook account that was established, wherein it appeared to match the real Facebook account, used and maintained by the Parma Police Department.
2. Affiant avers that the Parma Police Department Facebook page is maintained by Lieutenant Kevin Riley, Det. Jeff Wells and Det. Amanda Kaniecki. The Parma Police Department Facebook page has a URL of <http://facebook.com/CityofParmaPoliceDepartment>. The fake page that was created has a URL of <http://facebook.com/TheCityofParmaPoliceDepartment>.
3. Affiant avers that the Parma Police Department maintains this Facebook page to communicate public safety information to residents and commuters to the City of Parma.
4. Affiant avers that several posts were put onto the fake Facebook page in which one post indicated that the Parma Police would be arresting residents who attempted to help homeless people in the city and that if they did help the homeless, they would receive 60 days in jail. Another post indicated that the Parma Police Department would be holding an event sponsoring teen abortions and yet another post said that the Parma Police Department was accepting application and "minorities need not

- apply". All of these posts purported to represent the Parma Police Department.
5. Affiant avers that the user who was posting this information purported himself to be a representative of the Parma Police Department, as exact images used on the real Facebook page were used on the fake Facebook page. The user further disrupted and impaired the function of the Parma Police Department by knowingly posting false information.
 6. Affiant avers that as a result of this fake account being created, Parma City Hall, Parma Law Department and Parma Police Department received numerous calls and complaints regarding the content. There were also numerous amounts of comments posted on the fake page, including "fuck the Parma Police"
 7. Affiant avers that the initial account that shared this page was anthony.h.novak on March 2, 2016.
 8. Affiant avers that a search was conducted of Anthony Novak, herein referred to as Novak. Novak's Facebook page showed a post from March 2, 2016 which stated "I am going to say, I woke up and feel very satisfied by my actions right now" and a comment under the same post by Novak shows him stating "I'm not willing to do time for this guys. You'll be leaving this city in a body bag".
 9. Affiant avers that on March 2, 2016 a preservation letter and subpoena were sent to Facebook Inc. It was requested by the Parma Police Department that Facebook Inc. take down the fake page or suspend it immediately. The subpoena requested that Facebook Inc. provide the IP address for the user who established that fake account.


10. Affiant avers that a phone call was placed to Northeast Ohio Internet Crimes Against Children's Task Force in an attempt to get a direct phone number for Facebook Inc. An email address was provided to Jason Barry, herein referred to as Barry. Affiant emailed Barry and requested that fake account be taken down or suspended immediately.
11. Affiant avers that during the evening hours of March 2, 2016, Barry did send a follow up email, in which it stated that "the records team was working on it now".
12. Affiant avers that he checked Facebook on March 3, 2016 and found that the fake account had been removed.
13. Affiant avers the fake Facebook account showed the URL being <http://TheCityofParmaPoliceDepartment>.
14. Affiant avers that Novak uses a Facebook account with the URL being <http://www.facebook.com/anthony.h.novak>.
15. Affiant avers that a search warrant was served upon Facebook Inc. on March 3, 2016. Facebook Inc. responded to the search warrant by providing 2,796 documents on March 18, 2016.
16. Based on the information provided by Facebook Inc., Affiant went through all the documents and found numerous posts by Novak, in which he admits that he created the fake Facebook page.
17. Affiant avers that on March 18, 2016 a complaint and arrest warrant were issued for Anthony Novak, for 1 count of Disrupting Public Service (F-4), a violation of Ohio Revised Code 2909.04

18. Affiant learned through the investigation that Novak is possibly living with Andrew Kozelka at 1812 Wexford Ave. Parma, Ohio.
19. Affiant avers that information regarding Novak was provided to the Uniformed Patrol Division. Officer Seelle, herein referred to as Seelle arrested Novak without incident on March 24, 2016 as he was seen leaving the residence at 1812 Wexford Ave. Parma, Ohio.
20. Affiant avers that an interview was conducted with Novak on March 25, 2016 and basic, personal information was obtained, including Novak's current address, which he said was 1812 Wexford Ave. Parma, Ohio and he has been living there since October 2015, with Kozelka.
21. Affiant avers that a search warrant was executed on March 25, 2016 at 1812 Wexford Ave. Parma, Ohio and there were 10 items that were seized, which are described as being 1 western digital hard drive, s/n WCAU4A791077, 1 western digital hard drive, s/n WCAU4D207709, 1 Toshiba laptop, s/n 2067866602014, 1 play station 4, s/n MB091319012, 1 Xbox 360, s/n 909729681405, 1 Samsung Galaxy S5 cellular phone, 1 Kyocera cellular phone (AT&T), Archos 10, G9 tablet, IC# 5511A-9100, 2 jump drives and 1 Toshiba laptop, s/n 6B257411K.
22. Affiant knows from training and experience, persons who commit crimes by utilizing the internet, do so by utilizing computers, cellular phones or other electronic equipment that have a means to connect to the internet. These persons are also known to store or memorialize their crimes in electronic storage devices.

CONCLUSION

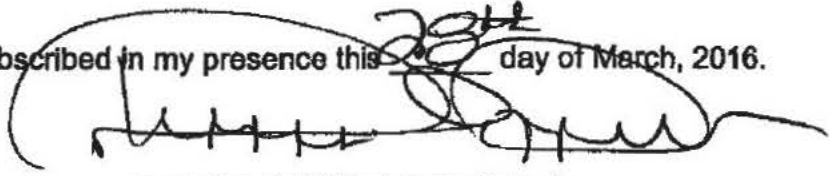
The above information has led Affiant to believe that probable cause exists to believe that the items listed herein are evidence of a crime and is now being unlawfully kept, concealed, and/or possessed in the said property at 5555 Powers Blvd. Parma, Ohio: in violation of the Revised Code of Ohio, to wit: R.C. 2909.04.

FURTHER AFFIANT SAYETH NAUGHT.



Detective Thomas Connor, Affiant

Sworn to before me and subscribed in my presence this 28th day of March, 2016.



Judge, Parma Municipal Court
Parma, Ohio



PAGE NUMBER 1 OF 1

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